

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

August 24, 1999

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| IN RE: |) | |
| |) | |
| PETITION OF OMNIPLEX COMMUNICATIONS |) | DOCKET NO. 99-00353 |
| GROUP, LLC FOR APPROVAL OF AN |) | |
| INTRALATA TOLL DIALING PARITY PLAN |) | |

**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY
IMPLEMENTATION PLAN**

This matter came before the Tennessee Regulatory Authority (the "Authority") on July 13, 1999, at a regularly scheduled Authority Conference, to consider the Petition of Omniplex Communications Group, LLC ("Omniplex") for approval of its IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.¹ Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file with the state commission for exemption, suspension or modification of the dialing parity requirements.

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. §§151 *et seq.*

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The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.² On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.³

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

Omniplex is a telecommunications company operating pursuant to Rule 1220-4-2-.57 as a reseller that provides telecommunications services in Tennessee. Pursuant to 47 C.F.R. § 51.213, Omniplex is required to file a plan with the Authority that provides for intraLATA toll dialing parity throughout the exchanges it serves in Tennessee.⁴ This plan must allow customers to pre-

² FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

³ AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

⁴ Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.⁵

Omniplex filed its IntraLATA Toll Dialing Parity Implementation Plan on May 18, 1999, and filed an amendment on June 10, 1999. The amended Plan, containing Omniplex's Petition for Approval, is attached hereto as Exhibit A and is fully incorporated herein by this reference.

The Directors considered Omniplex's Plan at the July 13, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.⁶ The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method which allows customers to choose different carriers for interLATA and intraLATA service; customer notification/education procedures; and anti-slamming procedures. The Directors unanimously voted to approve the Toll Dialing Parity Plan of Omniplex Communications Group, LLC as amended, with the requirement that Omniplex comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

IT IS THEREFORE ORDERED THAT:

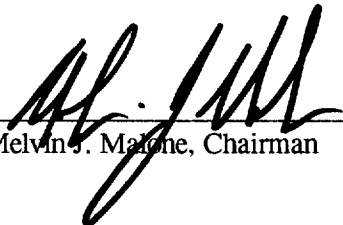
1. The amended Plan of Omniplex Communications Group, LLC for IntraLATA Toll Dialing Parity Implementation, a copy of which is attached as Exhibit A, is hereby approved and is incorporated in this Order as if fully rewritten herein;
2. Omniplex Communications Group, LLC shall file a complete IntraLATA Toll Dialing Parity Implementation incremental cost recovery plan with the Tennessee regulatory Authority for approval prior to attempting to recover any of those costs;

⁵ Pre-subscription allows the customer to place a call without dialing an access code.

⁶ FCC Order 96-333, released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54, released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

3. Omniplex Communications Group, LLC shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and


4. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.


Melvin J. Malone, Chairman


H. Lynn Greer, Jr., Director


Sara Kyle, Director

ATTEST:


K. David Waddell, Executive Secretary



707 Spirit 40 Park Drive, Suite 120 • Chesterfield, MO 63005
888.Omniplex or (314) 537-6700 • Fax (314) 537-6720

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REGULATORY AUTH.

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OFFICE OF THE
EXECUTIVE SECRETARY

June 18, 1999

Mr. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

Dear Mr. Waddell,

99-00353

Omniplex Communications Group, hereby submits an original and thirteen (13) copies of its amended Intralata Toll Dialing Parity Plan. This filing is made in compliance to the Federal Communication Commission Order dated March 23, 1999 in the matters of Docket No. 96-98 (Implementation of the Local Competitive Provisions of the Telecommunications Act of 1996).

Any questions regarding this filing can be directed to myself at (314) 537-6730.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark J. Kraus".

Mark J. Kraus
Director of Regulatory

**INTRALATA TOLL
DIALING PARITY PLAN**

**Omniplex Communications Group, LLC
Tennessee**

**Amended
June 18, 1999**

The IntraLATA Toll Dialing Plan is a proposal intended to provide customers the ability to select the telecommunications carrier of their choice for IntraLATA toll calls.

Omniplex Communications Group (Omniplex) is a non-facility based reseller of Local Exchange and IntraLATA/InterLATA Toll services in the State of Tennessee. Presently, Omniplex has an Interconnect Agreement with Bell South for Local Exchange Service, and therefore our Toll Dialing Plan will apply to those exchanges in Tennessee served only by Bell South and include the LATA's of Chattanooga, Knoxville, Memphis, Nashville, and Owensboro, KY. The Plan will be implemented within 30 days following the approval date.

Omniplex will implement the full 2-PIC (Primary Interexchange Carrier) carrier selection methodology. With the full 2-PIC methodology, customers will be able to presubscribe to the same or a different participating telecommunications carrier, including their existing local exchange company, for all intralata toll calls. Orders for changes will be accepted and processed beginning on the implementation date.

Omniplex employees who communicate with the public, accept customers orders, and serve in customer service capacities will be trained to explain the process to customers for making PIC changes for intralata toll calls. Business Office personnel will be prepared to make changes in customer records based upon requests from customers or carriers and direct customers to their chosen intralata carriers. Processes will be in place to provide new customers with an opportunity to choose their intralata toll carrier from a list of available carriers.

On the date in which the intralata toll presubscription is implemented in Tennessee, new customers may presubscribe to Omniplex or any telecommunications carrier offering intralata toll service in their exchange. Existing customers will remain with their current carrier until they affirmatively choose an intralata toll carrier. Customers may make this selection through their own initiative or as a result of the promotional marketing activities of participating intralata toll telecommunication carriers. New customers may communicate their choice of carriers directly to Omniplex, as their local exchange service provider, or indirectly through their selected carriers.

Customers will be assessed a PIC change charge for changing their intralata carrier. When customers request a change in their interlata and intralata carriers during one contact with the Business Office and choose the same carrier for both jurisdictions, only one charge will be assessed. When customers request a change in their interlata and intralata carriers during one contact with the Business Office and choose different carriers for each jurisdiction, two charges will be assessed.

For a waiver period of 30 days from implementation, customers will not be assessed an intralata PIC change charge for their initial intralata toll carrier choice. During the 30-day waiver period, a charge of one-half of the interlata PIC change charge will be assessed when the intralata and interlata carriers are changed to the same carrier during one contact with the Business Office. Only the interlata charge will be assessed when the intralata and interlata carriers are changed to different carriers during one contact with the

Business Office during the wavier period. The PIC charge is filed in the Company's General Exchange Tariff.

Omniplex does not provide Directory Assistance and Operator services and the Company relies on the Local Exchange Carrier for these customer services. Omniplex will apply a minute of use additive access charge to the carrier for the recovery of cost in implementing this toll dialing parity plan.

Omniplex will be subject to the rules related to slamming as indicated in the latest Tennessee Regulatory Authority Rule 1220-4-2-.56, which defines the manner IXC's should confirm PIC change information prior to submitting the information to LEC's. Omniplex as a reseller of local, intralata, and/or interlata services will not disclose or otherwise identify which facilities-based resold services are being used unless the customer requests that information specifically.

New customers who do not make a positive choice for an intralata toll carrier will be identified within Omniplex's system as a no-PIC and will not be automatically defaulted to a carrier. New customers identified as a no-PIC within Omniplex's system will be required to dial 10XXX to place intralata toll calls until they make an affirmative choice for an intralata toll carrier.

Customers will receive information explaining their opportunity to select an intralata carrier a minimum of 30 days in advance of the offering of intralata toll dialing parity via a bill message. In addition, during the 30 days following implementation of intralata Dialing Parity, customers will receive a bill insert also explaining their opportunity to select an intralata carrier. Omniplex anticipates that promotional strategies by carriers will contribute to customer awareness in intralata toll dialing parity. Customers telephone directories will be updated as new editions are published to reflect the opportunity for customers to choose an intralata toll carrier.

Omniplex will fully comply with all the rules of the FCC and TRA related to the Tennessee Intralata Toll Dialing Parity Plan.